

WHA
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COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name LEWIS ANTHONY CRASER

(Last) (First) (Initial)

Prisoner Number # V95299

Institutional Address SALINAS VALLEY STATE PRISON

P.O. box 1050 SOLEDAD, CALIFORNIA 93960

FILED

JAN 30 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY CRASER LEWIS

(Enter the full name of plaintiff in this action.)

CV

08

0711

vs.

Case No. _____
(To be provided by the clerk of court)

BELINDA ALLEN-HENDRIX

CASE MANAGER SPECIALIST.

SALINAS VALLEY STATE PRISON

STATE OF CALIFORNIA

(Enter the full name of the defendant(s) in this action))

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983

WHA

(PR)

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SALINAS VALLEY STATE PRISON

B. Is there a grievance procedure in this institution?

YES ☒ NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ()

D. If your answer is YES, list the appeal number and the date and result of the

DIRECTORS LEVEL Appeal Decision

COMPLAINT (I.A.B) CASE NO. 0706484 LOCAL LOG NO.

NOV-11-2007

SVSP.-07-02308

08-711 WHA

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal _____
4 _____

5 _____ 2. First
6 formal level _____
7 _____

8 _____
9 3. Second formal level _____
10 _____

11 _____ 4 Third
12 formal level _____
13 _____

14 _____
15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES ☒ NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. _____
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21 _____
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Anthony Ceaser Lewis P.O. box 1050 SOLEDAD CALIF.
26 93960. ET. AL
27 _____

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Belinda ALLEN-HENDRIX SALINAS VALLEY STATE
PRISON P.O. BOX 1050. SOLEDAD CALIFORNIA 93960.
(831) [REDACTED] 679-5500

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

I WENT BEFORE CASE MANAGER [REDACTED] DENIED
HEARING ACCORDING TO TRUTHFUL RELEASED DATE
AND TOLD IT JUST TO MUCH. AND IT CORRECT
AND THEN FILED 602. AND IT WRONG. ACCORDING
TO DIRECTOR OF CORRECTION.

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

TO BE RELEASE OUT OF CUSTODY TO PAROLE.
TO BE COMPENSATED, 10,000.00

1 place of employment.

6 III.

7 Statement of Claim

8 State here as briefly as possible the facts of your case. Be sure to describe how each
9 defendant is involved and to include dates, when possible. Do not give any legal arguments or
10 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
11 separate numbered paragraph.

25 IV. Relief

26 Your complaint cannot go forward unless you request specific relief. State briefly exactly
27 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

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7 I declare under penalty of perjury that the foregoing is true and correct.

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9 Signed this 24 day of January, 20 08

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11 Anthony Lewis
12 (Plaintiff's signature)
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I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____

(Plaintiff's signature)

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **NOV 11 2007**

In re: Anthony Lewis, V95299
Salinas Valley State Prison
P.O. Box 1020
Soledad, CA 93960-1020

IAB Case No.: 0706484

Local Log No.: SVSP-07-02308

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner K. J. Allen. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his calculated release date by the institution is incorrect. The appellant contends that his current credit earning is incorrect and that his pre-sentence credits are wrong. The appellant requests on appeal that he be provided with a "Haygood" or Computation Review Hearing (CRH).

II SECOND LEVEL'S DECISION: The reviewer found that the appellant's Earliest Possible Release Date has been calculated correctly. The reviewer addressed the appellant's appeal claims regarding incorrect pre-sentence credits. However, the appellant's request for a CRH was denied in that the hearing is only to be conducted when an error has been discovered. The appeal was denied at the Second Level of Review.

III DIRECTOR'S LEVEL DECISION: Appeal is granted in part.

A. FINDINGS: Although it appears the appellant's appeal complaint has been addressed by staff at Salinas Valley State Prison (SVSP), the institution has incorrectly interpreted departmental rules and regulations. The appellant's request for a CRH was improperly denied. There is no regulation that states an error must be discovered before a request for a CRH will be conducted. In contrast, departmental regulations provide that a CRH will be conducted by the case records manager or supervisor within 15 days following receipt of the request on an appeal.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section (CCR): 3001, 3084.1, 3084.7, 3371.1

C. ORDER: The SVSP shall conduct the requested CRH in accordance with the CCR 3084.7(h).

This issue was discussed with the office of the chief deputy warden.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, SVSP
Appeals Coordinator, SVSP

PETITIONER EXHIBIT (A)

PETITIONER MAKES COMPLAINT OF NEGLECT. OF CONSTITUTION
RIGHTS OF AMENDMENTS

By THE STATE OF CALIFORNIA DEPARTMENT OF CORRECTION

PETITIONER STATES CONSTITUTIONAL AMENDMENT RIGHT

LIBERTY, OATHS, HAS BEEN VIOLATED WITHOUT LEGAL

CAUSE AND ALL CONSTITUTIONAL AMENDMENTS VIOLATED

RIGHT TO FAIR HEARING.

I

ANTHONY CEASER LEWIS [#]V-95299 LOCATED AT SALINAS VALLEY STATE
PRISON P.O. BOX 1050, SOLEDAD, CALIFORNIA 93960.

FILED A 602 CDC FORM APPEAL. [#](IAB) 0706484 SV.S.P. 07-2308
CONCERNING RECALL OF COMMITMENT TERM.

HE MET WITH CASE MANAGER MS. BELINDA ALLEN-HENDRIX
AS CASE MANAGER SPECIALIST. SHE DENIED (ORDER) SET BY
DIRECTOR DECISION CHIEF. DIRECTOR OF CORRECTIONS.

INMATE APPEALS BRANCH P.O. BOX [#]942883.

SEE FORM ENCLOSED. EVIDENCE AND PROOF.

PETITIONER EXPLAINED ILLEGAL CUSTODY. WRONG RELEASE
UNLAWFULLY HELD. NOT ALLOWED PAROLE AS STATED.

II

PETITIONER WAS ARRESTED ON 03-24-2005. FOR VIOLATION 3056.
TRANSPORTED TO MONTEREY COUNTY JAIL #0503172
HELD ILLEGALLY IN CUSTODY WITH NO PAROLE OR CDC NUMBER.
EXISTED IN STATE OF CONVICTION. #05031759 REPORT. SALINAS PD.
NO PFN. EXIST. PETITIONER DID HAVE A CONVICTION #K94370
PENAL CODE SECTION 3000 (A)(B) RELEASED FROM CUSTODY DISCHARGED.
TERHUNE VS. SUPERIOR CT 65 CAL RPTR (1 DIST) (1998) P.C. 3000 TERM.
BOARD OF PRISONS STATE ERROR ON RECORD CHRONOLOGICAL HISTORY
TO ARREST. DATED 03-24-2005. 1104 BPT.
AUGULATED ACCUDNT OF RECORD PROVE AS PERPONDURANCE
AND WIEGHT TO PROVE NO CONVICTION OF PAROLE TO HOLD.
A PAROLE VIOLATION IN JAIL MONTEREY COUNTY JAIL. SALINAS CALIFORNIA
AFTER (BPT) HEARING STILL IN CUSTODY NOT RELEASED.
AFTER (BPT) BOARD OF PRISONS RELEASED. NO REASON TO BE IN OUR
CUSTODY. YOUR FREE. ILLEGAL ARREST NO PAROLE.

PETITIONER EXHIBIT (A)

III

PETITIONER WHILE IN CUSTODY WRONGFULLY HELD 3056.

SUFFERED A CONVICTION AT MONTEREY COUNTY JAIL

* 0503172 BOOKING NUMBER REPORT NUMBER * 05031759

* SS. 51130-A SALINAS SUPERIOR CT. CASE.

290(2)(1)(d) PENAL CODE ACCORDING TO ABSTRACT.

THE PENAL SECTION DOES NOT EXIST AS LAW YET

290(d) JUVINIAL OFFENSE DOES EXIST. BUT NOT AS
FELONY BUT AS MISDERMEANOR OFFENSE. ONLY.

THERE A CONFUSION TO SENTENCE I APPEALLED NOT

A 667.5(C) PENAL CODE CASE. AND NOT FOUND WITH

ANY TERM OF PUNISHMENT THAN 290(d)(9) PARAGRAPH(3)

(1)(2)(3) PENAL 290 SECTION. APPEAL (NEW) LAW MADE

LEWIS CAL 6. DIST 6. (2006).

HOW CAN I BE PENALIZED WITH NO CASE OR STATUE.

ACCORDING TO JURY TRIAL "WE THE PEOPLE FIND DEFENDANT

GUILTY OF 290(2)(1)(d) PENAL CODE STATE OF CALIFORNIA."

IF 290 OFFENSE OCCURED WHILE ON PAROLE 290.PC. 3000.

WOULD STAND AS VIOLATED ONLY.

IV

OUR DISCUSSION CASE MANAGER SPECIALIST Belinda Allen-Hendrix.

EXPLAINED YOU HAVE 5 YEARS TO DO AT 85% PERCENT.

MR LEWIS RESPONSE. I SEE THAT THE 290(A)(1)(d) PC.

IS NOT WITHIN 667.5(C) PC. SUB-DIVISION (C)

667.5(C) SUBDIVISION MEAN VIOLENT. MR LEWIS IS 290.

NOT VIOLENT AS QUOTED IN APPEAL SIX DIST. LEWIS CAL 6, DIST 6.

(2006). FURTHER MORE CDC MANUELS OF OPERATION EXPLANATION

THE THEORY OF ADMINISTRATION SECTION 3371.1

ONLY A CASE LISTED AS 667.5(C) PC SUB-DIVISION (C).

WOULD ACCURE 85% PERCENT.

I EXPLAINED OUT OF 5 YEARS YOU DONT DO ALL OF IT

SEE THE MATH. ARREST ON 03-24-2005 AND ADD TO NOW

THIS IS TODAYS DATE. THE COURT GIVE YOU CREDIT 4019.

231 DAYS CREDIT. AND THAT 5 YEARS 85% PERCENT.

1551.25. MINUS. EVERY DAY PLUS COURT CREDIT 231 DAYS.

85 PERCENT IS FOR A STRIKE ONLY. LEWIS IS NON-STRIKEABLE

290 NOT IN TEXT OF 667.5(C) PC.

NO PRIOR CONVICTIONS.

PETITIONER EXHIBIT (A)

V

HIS ARREST DATED 03-24-2005 TO TODAY DATE. IS OVER THE
AMOUNT. TERM OF PUNISHMENT FOR A TERM MAX 16-2-3 YEARS.

290 PENAL SECTION 290(2)(1)(d) PENAL SECTION

3 YEARS IS THE MAXIMUM AMOUNT. OF ALL TIME CONSTRAINTS

4019-2931 PC. 1170(2)(1)(2)(3) PC. 1478 PC - 1487 PC

PC.3000 TERHUNE VS. SUPERIOR CT. 65 CAL RPTR (1 DIST) (1998)

TIME CREDITS COMPLETED 2005 2006 2007 2008.

DAYS. 283 365 365 24

4019 PENAL CODE CREDIT 231.

TOTAL TIME SERVED 1268 INCUSTODY